

Holland & Knight

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VIA EMAIL: Kathleen.beeton@dc.gov
Kathleen A. Beeton, AICP
Deputy Zoning Administrator, Office of the Zoning Administrator
Department of Consumer and Regulatory Affairs
1100 4th Street, SW, 4th Floor
Washington, DC 20024

Re: Certificate of Occupancy Issued for 1323 E Street, S.E. (Square 1043, Lot 166)

Dear Ms. Beeton:

Holland & Knight LLP represents DoorDash Essentials LLC with respect to zoning and land use matters for property located at 1323 E Street, S.E. (Square 1043, Lot 166) (the "Site").

We are in receipt of your letter, dated August 30, 2021, providing notice of the Department of Consumer and Regulatory Affairs' ("DCRA") intent to revoke Certificate of Occupancy CO2102980 (the "Certificate") ten (10) business days from service of the notice. The letter states that "DCRA issued the Certificate as a result of an administrative error for the failure to submit an official building plat by the DC Office of the Surveyor, in the applications for underlying building permits (B2103902 and B2109853), as required by 12 A DCMR §§ 106.2.15; 106.2.15.1; 106.2.15.2."¹

¹ We note that the provisions you cite as authorizing revocation of the underlying building permits do not apply to the Permits at issue. Thus, we reserve the right to legally challenge revocation of the Certificate. Specifically, 12 A DCMR § 106.2.15 states:

106.2.15 Official Building Plat. The applicant shall provide an official building plat of a lot that is the subject of an application, issued by the D.C. Office of the Surveyor, in duplicate or by electronic submission, as part of applications for permit involving any of the following:

1. Erection of a new *building* or other *structure*.
2. Addition to an *existing building*.

Building Permit B2103902 authorizes "Interior renovation of commercial tenant within the existing structure". Building Permit B2109853 authorizes "Modification of permit B2103902 Updated site plan, removal of bollards, parking and loading calculations and documentation of prior conditions." Neither of the building permits involve the erection of a new building or other structure nor the addition to an existing building. Thus, the building code provisions that indicate when a building plat is required are not applicable to either of the permits. Although the letter does not cite 12 A DCMR § 106.2.15.6, which requires the submission of a building plat for the "[e]stablishment of a new parking spaces or loading berth(s) external to a *building* or other *structure*, regardless of the amount of work involved," neither of the issued permits establish any new parking spaces or loading berth.

Board of Zoning Adjust
Board of Zoning Adjustment
District of Columbia
CASE NO.20549
EXHIBIT NO.55E

In response to your letter, attached hereto is an official building plat by the DC Office of the Surveyor (the "Building Plat"). The Building Plat indicates the existing conditions of the Site, including the outline of the existing building, existing improvements, and the number, dimensions and location of the existing parking spaces and loading berth. In addition, a survey also confirming the existing conditions is also attached.

Please confirm that the submission of this Building Plat and survey resolves DCRA's administrative error, and that DCRA will withdraw the proposed notice to revoke the Certificate.

Very truly yours,

HOLLAND & KNIGHT LLP

A handwritten signature in black ink, appearing to read "Kyrus L. Freeman", with a long horizontal flourish extending to the right.

Kyrus L. Freeman